

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

99 DEC 20 AM 9:05

U.S. DISTRICT COURT
N.D. OF ALABAMA

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ENTERED

DEC 20 1999

DEXTER FORTSON ASSOCIATES,
INC., a corporation,

PLAINTIFF,

SLOSS INDUSTRIES CORPORATION,

INTERVENOR-PLAINTIFF,

VS.

CV99-H-1890-S

GREAT NORTHERN INSURANCE
COMPANY; FEDERAL INSURANCE
COMPANY,

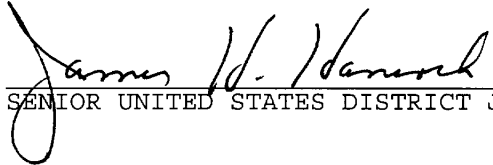
DEFENDANTS.

MEMORANDUM OF DECISION

On November 1, 1999 the court set a planning meeting for November 24, 1999 which was continued until December 17, 1999. During that planning meeting the court advised counsel for all parties, based upon the pleadings of record, that in the exercise of the court's discretion under 28 U.S.C. § 2201 the court would decline to entertain the claims in this action, both in the original complaint and in intervenor's complaint, seeking a declaration of rights and responsibilities under subject policies of insurance. The court further advised the parties that the remaining claims for tort and breach of contract, whether stated in the original complaint, the intervenor's complaint or in the

counterclaim to the intervenor's complaint, are not fully ripe and that it would dismiss those claims without prejudice. The court will by separate order implement those oral communications to counsel.

DONE this 20th day of December, 1999.


SENIOR UNITED STATES DISTRICT JUDGE